IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4298 of 2001

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AHMEDABAD MUNICIPAL TRANSPORT SERVICE

Versus

ATUL JAYANTILAL PARMAR

Appearance:

MR HS MUNSHAW for Appellant

MR MA PAREKH for Respondents No. 1-2

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 18/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. This is an appeal under section 173 of the Motor

Vehicles Act, 1988 at the instance of the Ahmedabad Municipal Transport Service, being the owner of the bus involved in the accident, challenging the award passed by the Motor Accident Claims Tribunal, Ahmedabad, in Motor Accident Claim Petition No.136/98 under section 168 of the said Act.

2. At the admission stage of the matter we had issued a specific notice for settlement, in response to which learned counsel Mr. M.A. Parekh has appeared on behalf of the opponents-original claimants.

3. Appeal admitted. Mr. M.A. Parekh appears for respondent nos.1 and 2-original claimants and waives service of the notice in appeal.

4. On a joint request the appeal is taken up for hearing today.

5. As a result of the hearing and discussion, we are happy to record that a consensus has been arrived at between the learned counsel on the basis of which it is held and directed that the respondents-original claimants will be entitled to an aggregate compensation in the sum of Rs.3,10,000/- (Rupees three lacs ten thousand only) together with interest at the rate of 10% per annum from the date of the petition till realisation with proportionate costs. It is clarified that the impugned award is modified only to the aforesaid extent and rest of the award stands confirmed.

6. This appeal is accordingly disposed of with no order as to costs. Decree accordingly. Direct service is permitted.

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